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ABSTRACT

The first of three sections in the booklet on Washington state standards describes administration of state and federal funds to programs for handicapped students. Discussion centers on such topics as fund distribution, state allotments for foster homes and hospitals, P.L. 94-142 (the Education for All Handicapped Children Act) flow through funds, discretionary funds, and school district actions required to receive funds. The second part of the document is intended to assist Washington educators understand and implement state regulations regarding the individualized education program (IEP) for handicapped students. Topics covered include purpose of the IEP, the IEP process checklist, definitions, sample IEP forms, directions for completing the IEP forms, and a sample documentation of the IEP meeting notification. The final part addresses questions regarding regulations on such issues as postsecondary education; definitions of screening, assessment, and evaluation; and the makeup of a multidisciplinary team assessment. (CI)

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DIVISION OF SPECIAL SERVICES

OVERVIEW OF SPECIAL EDUCATION RESOURCES

(DECEMBER 1980)

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INTRODUCTION

The following information is intended to provide an overview of the direct financial resources available to local school districts during the 1980-81 school year through the Special Services Division of SPI for the purpose of meeting the needs of handicapped students in the State of Washington. Many of the activities leading to the allocation of resources for the 1980-81 school year have taken place during the 1979-80 school year. This document will trace those events which have provided a basis for the allocation of funds for 1980-81 and, in addition describe the steps necessary in order to receive reimbursement.

I. State Funds

State funds available to local school districts for programs addressing the needs of handicapped students include funds appropriated through SPI's Handicapped Program - Excess Cost budget request to the legislature as well as a portion of funds from the Basic Education appropriation. For the 1980-81 school year the handicapped program allocation is $83,392,970. In addition, approximately $34,000,000 of basic education funds will be utilized for special education programs.

A. Handicapped Program Allocation

Notification to school districts regarding the amount of their 1980-81 handicapped program allocation was provided on April 14, 1980 in Bulletin No. 22-80 (Attachment 1). The format for displaying the allocations, as well as the procedure for allocating the funds represented a significant departure from previous procedures. During 1980-81, for the first time the basic education portion of the total handicapped program allocation as well as the monies generated from the excess cost portion of the allocation was transmitted to school districts as handicapped revenue (Revenue Account No. 3030). The new allocation display format now referenced as the 1220 report (See Attachment 2) displays the actual calculations of funds generated from both the handicapped budget as well as the basic education budget.

On what basis are funds generated?

Prior to the 1980-81 initial allocation, projections were based upon available handicapped enrollment averages. The transition to the new funding system, however, required data not available through the existing enrollment count system. Bulletin No. 59-79 F.S., distributed November 16, 1979, provided notification to districts that additional handicapped enrollment data were needed in order to make initial funding allotments for 1980-81. School districts were requested to complete form SS127 using the December, 1979 and January, 1980 enrollment count dates (See Attachment 3). The January, 1980 SS127 enrollment data were utilized to develop the initial allocations. As indicated earlier, the initial allocations along with a detailed explanation of the funding system were sent to school districts on April 14, 1980. As a part of the series of meetings held throughout the state during late April a set of worksheets were made available to school districts which, when completed gave school districts the ability to project the number of staff and the funds generated. (See Attachment 4, 5 & 6). The worksheets allowed projections of funding levels not including the reductions necessitated by the potential shortfall in the salary improvement fund and by the three percent reserve requirement imposed by the governor. However, Bulletin No. 31-80, Addendum I (See Attachment 7) does provide a substitute worksheet which allows districts to recompute the sections of the initial allocations to show the effect of the three percent reserve requirement and the potential funding shortfall for salary and benefit increases. By using the initial worksheets and the substitute worksheet provided with Bulletin 31-80

Addendum I, school districts have the ability to calculate staff generated and the funding level, including mandatory reductions, basing their calculations on current and/or expected handicapped enrollment.

The January 1980 SS127 enrollment is the basis for the initial allocation of funds until January 1981. At that time the October, November and December handicapped enrollment counts, submitted on the P223H form, will be averaged and provide the basis for a revised allocation system (See Attachment 8). Funds will be distributed on the basis of the 1220R (Oct/Nov/Dec averages) for the remainder of the year. At the end of the school year, enrollment data for the eight month period will be averaged. Any necessary updates of average salary and program mix factors will be included in order to make both the revised and final adjustments.

What must a school district do in order to receive funds?

Handicapped funds are distributed to school districts as a part of the state apportionment system. As indicated earlier, initial payments to school districts will be based on the initial handicapped allocation announced April 14, 1980.

The flow of funds to school districts begins automatically with the September apportionment payment. Payment is made via electronic transfer and generally occurs during the last week of the month. The percentage of the total allocation which is paid each month varies slightly each month. The schedule of dates of electronic transfer as well as the percentage paid each month are contained in Bulletin No. 31-80, F.S. (See Attachment 9). Reports detailing the amount paid out through the apportionment system are provided on a monthly basis.

A significant change for the 1980-81 school year is that the portion of school district's basic education allocation attributed to the special education program is being shifted into the handicapped revenue source prior to funds being transferred to school districts through the apportionment system. Financial Services Report No. 1381 is the monthly apportionment document for the Handicapped Program. Financial Services Report No. 1191 is the monthly apportionment document for the Basic Education Program.

Both the Handicapped portion and the Basic Education portion of the total handicapped allocation will be shown on Line A of the 1381 Report entitled "Handicapped Allotment for 1980-81." (See Attachment 10). It will not equal the amount shown on the bottom line of the April 14, 1980, 1220 report (Attachment 2) entitled "Total Allocation: BEA & Handicapped" due to the fact the initial report did not adjust for the three percent reserve requirement. The reduced amount on Line A of the 1381 report will reflect the necessary adjustment.

Salary improvement will be included at 100% until funds are exhausted. The shift of basic education funds to the handicapped program will be accomplished through a deduct of the amount of basic education funds to be attributed to the handicapped program and will be shown as such on Line C.7. of the 1191 Report as "Amount transferred to Account 3030". (See Attachment 11).

It will not be necessary for school districts to make adjustments in the number of full time equivalents counted monthly for basic education (P223) in order to facilitate the back-out of basic education funds. The full time equivalency of the handicapped students is calculated automatically in order to determine the amount of basic education funds to transfer to the handicapped program (Revenue Account 3030). Therefore, all handicapped students should be included in the Monthly Report of School District Enrollment - Form P223 consistent with the instructions provided in Bulletin 54-80, Financial Services.(See Attachment 12) and on the reverse side of form P-223H.

In addition to reports 1191 and 1381, school districts are provided a monthly report summarizing their total allotment from each fund source included in the state apportionment system. The summary report 1197 shows the allotment paid during previous months and the allotment for the current month. (See Attachment 13).

These reports provide school districts with continual updates on the amount of funds being transferred into Revenue Account 3030 through the state apportionment system.

B. Home-Hospital

The state handicapped budget contains a set-aside of $265,000 to assist in the provision of services to students who are unable to attend school because of a physical disability or illness. The student may or may not be a handicapped student; however, home-hospital services funded through this fund source shall not be used for initial or on-going placement of otherwise handicapped students.

On what basis are Home/Hospital funds generated?

The funds are provided to school districts at a maximum rate of $40.00 per week based on individually submitted home-hospital applications. In addition, seven percent employee benefits, a travel allowance, and funds for supplies and materials are provided upon request.

What must a district do to receive Home/Hospital funds?

School districts were provided notification in Bulletin No. 14-80 Special Services regarding the procedures for applying for Home-Hospital reimbursement using Form E-310 (See Attachment 14). Funding approved through the E-310 process is distributed to school districts as a part of the state apportionment system. Line B on Report 1381

(See Attachment 10) indicates the amount included in the allotment to the school district. At the end of the year, school districts are provided with Report E-525, a computer print-out of the approved amount, and are asked to write in their actual expenditures for Home-Hospital expenditures (See Attachment 15).

When actual expenditures are less than the originally approved level, a negative adjustment is made in the following year's allocation.

C. Foster Home Allotment (Room & Board)

Room and Board costs are available in situations where a student does not meet Department of Social and Health Service eligibility and requires educational services that cannot be provided in the home district and the distance to the serving district that could provide the needed services is such that it would not be feasible to transport the student on a daily basis. The biennial budget approved by the legislature contains $45,000 for the 1980-81 school year.

On what basis are Foster Home funds generated?

The funds are provided to school districts at varying monthly rates based on the age of the student.

What must a school district do in order to receive Foster Home funds?

School districts were provided notification in Bulletin No. 15-80, Special Services regarding the procedures for applying for Room and Board reimbursement using form E569 (See Attachment 16). Funding approved through the E569 process is distributed to school districts as a part of the state apportionment system. Line C on Report 1381 (See Attachment 10) indicates the amount included in the allotment to the school district.

II. Federal Funds

The major source of federal funds for handicapped students in the State of Washington is provided by EHA Title VI, Part B as amended by PL 94-142. Of the approximately 11.6 million dollars received by the State of Washington for 1980-81, seventy-five percent is allocated directly to school districts on a per handicapped pupil headcount basis. This represents approximately 8.7 million dollars and is distributed at a rate of approximately $170.00 per pupil. These funds are commonly referred to as "94-142 Flow-through" funds. Of the remaining twenty-five percent, twenty percent is set aside for program use at the discretion of the Superintendent of Public Instruction and five percent is allowed for state administration.

A. 94-142 Flow-through Funds

Funds received under this source must be used for excess costs in providing special education and related services to unserved handicapped students and/or to provide full educational opportunities for all handicapped students. In no way may these funds be used to supplant local and state funds available for these purposes.

On what basis are funds generated?

Funding levels for the 1980-81 school year are based on the 94-142 child count of handicapped students ages three through twenty-one receiving special education and related services based on an IEP as of December 1, 1979. Bulletin 16-79, Special Services, distributed to school districts on November 9, 1979, provided extensive guidance relating to which students could and could not be counted as well as instructions for completing form E721 (See Attachment 17). The form required a distribution of handicapped students by age, handicapping category and type of educational environment in which the student receives special education services. As the data were received by SPI, the information was entered into a computer program designed to produce the necessary summary data for submission to the Office of Special Education (formerly the Bureau of Education for the Handicapped). As a first step, each school district's report was computer reproduced and returned to the district for verification. This allowed school districts to verify the accuracy of their first report as well as check any possible keypunch errors. Data from Washington State and the Trust Territories were aggregated by OSE in order to determine the per pupil allocation on a nation-wide basis within the appropriation provided by the United States Congress. Washington State received its 1980-81 Grant Award on August 25, 1980.

What must a school district do in order to receive funds?

Bulletin No. 08-80, Special Services, was distributed to school districts on May 16, 1980. Included with the bulletin was the Local Education Agency Application, Tables for the Local Education Agency Application and directions for completing the Local Education Agency Application (See Attachment 18). Bulletin No. 11-80, Special Services, dated May 30, 1980, provided notification to school districts that the total amount allocated per district should be calculated on total students served rather than resident students as previously indicated (See Attachment 19). Local Education Agency Applications were requested to be submitted to SPI by June 27, 1980. Following review of the application, notification was sent to the applicant district regarding the status of its applications. Applications were determined to be either 1) fully approvable--no additional information needed, 2) in substantially approvable form--limited additional information requested or 3) not approvable--data absolutely necessary in order to make an initial determination was not provided (See Attachment 20, 21 & 22).

Following approval of the school district's application and receipt of final claims from the previous year, (F146, Attachment 27) grant awards are issued. The procedure currently utilized for use of carryover funds avoids the previously required separate budget forms for carry-over and current year funds. Yet, the ability to track separately the expenditure of funds for each of the two years exists as required by federal accounting standards.

For example, during the budget planning process, a school district anticipating an allocation of $75,000 of new funds and a carry-over of approximately $5,000, might develop a budget for $80,000 and submit it on a F125 form along with the Local Education Agency Application (See Attachment 23). Assuming that when final claims for the previous year are submitted to SPI, the carry-over amount is $7,000, not $5,000 as originally anticipated, the following process occurs:

1. A grant award is issued for the $7,000 of previous year carry-over funds.
2. A grant award is issued for $73,000 of the current year's funds bringing the "spendable" total the district has available to $80,000 the amount of the submitted budget.
3. The difference of the $2,000 between the $73,000 made available via the grant award and the $75,000 allocation remains accessible through the budget revision process.

This procedure avoids the necessity for requiring districts to resubmit budgets and allows the issuance of grant awards and reimbursement of submitted claims (See Attachments 24 & 25).

As indicated earlier, the process does provide for separate accounting of each of the two years of funds. Indicated on the face sheet of each approved budget is the breakdown of the total budget into carry-over and current year amounts. As claims are submitted they are paid using prior year funds until they are exhausted. The F146 and F147 federal claim reimbursement process provides sufficient detail to track the specific budget object and activity of each expenditure (See Attachments 26, 27 & 28). Through this process SPI has the ability to produce separate financial reports for each of the two fiscal years involved even though a single budget document is submitted by school districts.

Claims for reimbursement are generally submitted on a quarterly basis; however, claims will be paid as frequently as a monthly basis if submitted.

The end-of-year performance report required for PL 94-142 is a computer print-out indicating the activities originally included as a part the of application for funds. Beside each activity/procedure, school districts are asked to enter a brief description of the outcome and/or result. Notification regarding the end-of-year report was sent to school districts on May 30, 1980 to be returned to SPI by August 29, 1980 (See Attachment 29).

B. PL 89-313, ESEA Title I

ESEA Title I, 89-313, as ammended by PL 93-380, provides to local school districts funds for the purpose of supplementing appropriate special education programs for children who were formerly in state operated institutions for handicapped children or state supported developmental centers.

On what basis are funds generated?

Funds for the 1980-81 school year are based on a count of formerly institutionalized students enrolled in a given school district on October 1, 1979. Instructions for counting students for this fund source were distributed to school districts in a SPI Memorandum dated September 21, 1979, and the forms were due at SPI by October 19, 1979 (See Attachment 30). Funds available for formerly institutionalized handicapped students amount to approximately $800,000 for the 1980-81 school year. The funds will be allocated at a rate of $667 per student included in the school district's October 1, 1979 count. Seventy-five school districts reported formerly institutionalized students during 1979-80.

What must a school district do in order to receive funds?

School districts which submitted forms E712 and E713 identifying formerly institutionalized students enrolled on October 1, 1979, are eligible to submit an application for use of the funds generated. Notification was provided to school districts via a SPI Memorandum dated May 9, 1980 (See Attachment 31). Instructions were provided for completion of the application including a due date of June 13, 1980. Approval notification to school districts includes information regarding the need for submission of a budget revision as soon as the district is notified of the amount of unexpended funds (carry-over) from the previous year (See Attachment 32).

The procedure for claiming funds is the same as that described in II.A., 94-142 flow-through funds.

The 89-313 program requires that a performance report be submitted within thirty days after the close of the project. Notification was provided school districts on August 15, 1980, including the tables to be completed for 1979-80 school year (See Attachment 33).

C. Discretionary Funds

Twenty percent of the funds made available through Part B of Title VI as amended by PL 94-142 are set aside for use on a discretionary basis. For 1980-81 this amounts to approximately 2.3 million dollars.

In addition, approximately $222,000 is available for preschool programs focusing on three- and four-year old handicapped students.

These funds are commonly known as Preschool Incentive Funds. Part D of Title VI provides approximately $50,000 for inservice training programs.

On what basis are funds generated?

The funds for the twenty percent set-aside of the Title VI, Part B funds are generated by the state as described in Section II-A, 94-142 Flow-through Funds. The Preschool Incentive Funds are allocated using Washington State's count of three-, four- and five-year old students

reported as a part of the overall 94-142 reporting process. The Title VI, Part D training funds are awarded through a competitive grant application process in which the Superintendent of Public Instruction applies directly to the Office of Special Education.

What must a school district do in order to receive funds?

Notification was provided to school districts on February 7, 1980 regarding the availability of discretionary funds for the 1980-81 school year. Bulletin No. 01-80, Special Services announced a comprehensive plan for review and approval of discretionary proposals in the area of special education (See Attachment 34). The Bulletin indicated the four priority areas that had been identified by the State Special Education Advisory Council and the Special Education Training Advisory Group.

1. Involvement of parents/community in the education of handicapped students.
2. Processes for formal screening and multidisciplinary assessment of student performance to determine eligibility, appropriate placement and programming.
3. Progam planning, including the development, implementation, and review of the IEP.
4. Program management, including processes for: 1) determination of least restrictive environment 2) due process 3) cooperative planning with regular education and other categorical programs, and 4) early identification and intervention including comprehensive services for preschool children.

Developmental, training, adoption and continuation proposals utilized application forms developed by the Division of Special & Equal Opportunities Programs for ESEA Title IV-C programs (See Attachments 35 & 36). The format for Preschool Incentive Program application was spelled out in the bulletin.

The intent of Title IV-C funds is to address state priority needs through conducting model educational projects. Title IV-C funds are to be used for conducting developmental, continuation and adoption projects:

1. Initial Developmental Projects

The purpose of these grants is to develop, implement and test strategies designed to solve serious, prevalent educational problems. Developmental projects may be of one-, two-, or three-year duration. In the case of projects of more than one year's duration, the following will facilitate planning:

During the first year, the solution strategy is taken from theory to practice, with implementation occurring no later than January 15. Depending upon the educational variables under study, the first-year products include instructional materials, instructional methods, instructor training programs, evaluation designs, evaluation

instruments and a second-year implementation plan. The second year is usually devoted to a trial of the solution strategy in an educational setting. Second-year activities include: staff training to utilize the solution strategy, summative evaluation, project monitoring, and modification of project procedures, methods or materials where necessary. Project evaluation data are submitted for critical review following the second developmental year. If these data prove that the project is efficient and effective, a demonstration grant is awarded to support third-year activities. The purpose of demonstration grant activities is to make other school districts aware of the project and its availability for adoption.

2. Continuation Projects

The purpose of these grants is to fund for continuation those projects which are judged as successful by project data review and which address current state priorities as described above.

3. Adoption Projects

The purpose of these grants is to diffuse proven educational models/practices. Eligible adoptions include Title IV-C validated practices and National Diffusion Network programs.

The review process for the submitted applications was a joint effort involving both the Division of Special Services and the Divison of Special and Equal Opportunity Programs. The proposals were reviewed by teams of field readers representing handicapped individuals, teachers of the handicapped, parents, special education administrators, support services personnel, superintendents, principals, non-public schools, institutions of higher education, Special Education Advisory Council members and OSPI staff.

Following a series of independent readings and evaluation, the consensus rankings were submitted to the Superintendent of Public Instruction for final decisions.

Notification was sent to districts regarding whether the proposal had been approved for funding. The approved projects were informed that they had been approved subject to budget negotiation. Second and third year projects did not carry over unexpended funds from the previous year.

The procedure for the actual claiming of funds is the same as the procedure described in Section II-A, 94-142 Flow-through funds.

Discretionary projects funded for the 1980-81 school year are required to submit a brief, one page report three times per year. Reports are to provide status information as of the second Monday in October, the second Monday in February and at the conclusion of the grant award period. They are to be submitted within two weeks of the above mentioned dates (See Attachment 37).

D. Vocational Education Funds

Vocational Education is an integral part of all IEPs for handicapped students 14 years of age and older. The fiscal resources for such programming will come from two sources.

On what basis are funds generated?

One source of funds for Vocational Education includes earmarked state special education and P.L. 94-142 federal funds. The amount of these funds expended for Vocational Education programs is a local district discretionary activity, as long as the expenditure is within the guidelines of the state Rules and Regulations as well as the 94-142 federal regulations.

P.L. 94-482 is a federal law pertaining specifically to Vocational Education. Within the Rules and Regulations for that federal law is a 10% set aside of funds for meeting the vocational needs of handicapped youth based on a 50% local district match.

What must a school district do in order to receive funds?

All district Vocational Education directors are notified of the availability of these funds. The vocational director in cooperation with the district's special education director will design vocational programming concerns for the handicapped in the annual district Vocational Education plan. The amount of money available and the procedures for securing these funds are announced by the Division of Vocational-Technical and Adult Education in bulletin format to the Vocational Education directors. It is imperative that if a district desires to seek these funds that district must initiate a cooperative effort between the Vocational Education director and the SIpecial Education director. All necessary forms submitted to the Division of Vocational-Technical and Adult Education must be jointly signed and submitted by the Vocational Education director and Special Education director.

SUMMARY

The state and federal monies administered by the Special Services Division of the Superintendent of Public Instruction's Office described in this overview are intended to assist local school districts in meeting the needs of the handicapped for whom they have a responsibility to provide service. It is hoped that the information contained in this document facilitates the accessing of available funds by local school districts so that programs can be implemented in a timely and efficacions manner.

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DIVISION OF SPECIAL SERVICES

SERIES ON P.L. 94-142 AND RELATED

WASHINGTON RULES AND REGULATIONS

INDIVIDUALIZED EDUCATION PROGRAMS

OCTOBER 1980

EC 133203

Dr. Frank B. Brouillet, State Superintendent of Public Instruction, Olympia, Washington

DIVISION OF SPECIAL SERVICES

SERIES ON P.L. 94-142 AND RELATED

WASHINGTON RULES AND REGULATIONS

INDIVIDUALIZED EDUCATION PROGRAMS

OCTOBER 1980

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THIS DOCUMENT WAS DEVELOPED WITH THE ASSISTANCE OF THE NORTHWEST REGIONAL RESOURCE CENTER, EUGENE, OREGON, PURSUANT TO CONTRACT NO. OEC-300-7-0020 WITH THE DEPARTMENT OF HEALTH, EDUCATION AND WELFARE, BUREAU OF EDUCATION FOR THE HANDICAPPED. HOWEVER, THE OPINIONS EXPRESSED HEREIN DO NOT NECESSARILY REFLECT THE POSITION OR POLICY OF THE U.S. OFFICE OF EDUCATION AND NO ENDORSEMENT BY THE U.S. OFFICE OF EDUCATION SHOULD BE INFERRED.

DISCRIMINATION PROHIBITED - IT IS THE POLICY OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO PROVIDE EQUAL EDUCATION AND EMPLOYMENT OPPORTUNITIES, TO PROVIDE SERVICES AND BENEFITS TO ALL STUDENTS AND EMPLOYEES WITHOUT REGARD TO RACE, COLOR, RELIGION, SEX, HANDICAP OR VETERAN STATUS IN ACCORDANCE WITH THE LAWS ENFORCED BY THE DEPARTMENT OF HEW/OCR AND OEO/DOL INCLUDING PRESIDENTIAL EXECUTIVE ORDER 11246 AS AMENDED, TITLE VI OF THE 1964 CIVIL RIGHTS ACT, TITLE IX OF THE EDUCATION AMENDMENT OF 1972, REHABILITATION ACT OF 1973, AND TITLE 41, PARTS 60-1, 60-2, 60-20, AND 60-50, ALSO SECTIONS 799A AND 845 OF THE PUBLIC HEALTH SERVICE ACT WHERE APPLICABLE.

FORWARD

In response to the implementation and monitoring of P.L. 94-142 and related Washington State laws and regulations, the Special Services Division is developing a of tecinical assistance series.

This series will attempt to provide concise, practical explanations and clarifications of issues related to the provision of services to handicapped students. Content will reflect current interpretations of laws and regulations. However, the reader is cautioned that interpretations may change; and the Division of Special Services will make every reasonable attempt to update and revise technical assistance information.

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INTRODUCTION

DURING THE COURSE OF MONITORING LOCAL DISTRICTS' COMPLIANCE WITH PUBLIC LAW 94-142 AND CHAPTER 392-171 WAC WITHIN THE STATE OF WASHINGTON, A DIVERSITY OF INTERPRETATIONS HAS BEEN NOTED REGARDING THE INDIVIDUALIZED EDUCATIONAL PROGRAM (IEP). THE PURPOSES OF THIS DOCUMENT ARE TO CLARIFY THESE REGULATIONS TO DESCRIBE THE REQUIRED COMPONENTS OF THE IEP. INCLUDED ARE ANSWERS TO FREQUENTLY ASKED QUESTIONS, DEFINITIONS OF REQUIRED COMPONENTS IEP PROCESS CHECKLIST, AND SAMPLE FORMS. LOCAL DISTRICTS MAY ELECT TO USE THE ENCLOSED SAMPLE FORMS OR APPLY THE CHECKLISTS TO MONITOR AND REVISE EXISTING FORMS.

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PURPOSES OF THE IEP

THE IEP PROCESS INCLUDES TWO MAIN COMPONENTS: (1) THE IEP MEETING - DURING WHICH THE PARENTS AND SCHOOL PERSONNEL JOINTLY MAKE DECISIONS ABOUT A HANDICAPPED STUDENT'S EDUCATIONAL PROGRAM/PLACEMENT, AND (2) THE IEP DOCUMENT ITSELF - "WHICH IS A RECORD OF THE DECISIONS REACHED AT THE MEETINGS." THE PURPOSES OF THE IEP ARE AS FOLLOWS:

1. IT IS AN EXTENSION OF PROCEDURAL PROTECTIONS GUARANTEED TO PARENTS AND STUDENTS.

2. IT IS A MANAGEMENT TOOL TO ENSURE PROVISION OF APPROPRIATE SPECIAL EDUCATION AND RELATED SERVICES.
3. IT IS A COMPLIANCE MONITORING DEVICE TO DETERMINE WHETHER A HANDICAPPED STUDENT IS RECEIVING A FREE APPROPRIATE PUBLIC EDUCATION.
4. IT IS A WRITTEN COMMITMENT OF RESOURCES.
5. IT IS A COMMUNICATION VEHICLE BETWEEN/AMONG ALL PARTICIPATING PARTIES INVOLVED IN THE EDUCATION OF THE HANDICAPPED STUDENT. (OSE/DAS BULLETIN, #64, 5-23-80).

QUESTIONS AND ANSWERS REGARDING IEPS

1. WHEN AND HOW SHOULD PARENTS BE NOTIFIED OF THE IEP MEETING?

   PARENTS SHOULD BE INVITED TO PARTICIPATE IN THE IEP MEETING WITHIN 10 CALENDAR DAYS OF THE DECISION THAT THEIR CHILD HAS A HANDICAPPING CONDITION. THE INTENT OF THIS EARLY NOTIFICATION IS TO ENSURE THAT PARENTS RECEIVE NOTICE REGARDING THE TIME AND LOCATION, THE PURPOSE OF THE MEETING AND COMMITTEE PARTICIPANTS. THIS ADVANCE INVITATION PROVIDES PARENTS THE OPPORTUNITY TO PREPARE MEANINGFULLY FOR THEIR PARTICIPATORY ROLE IN DEVELOPING THE IEP.

   EXAMPLES OF DOCUMENTATION OF THIS NOTICE ARE AVAILABLE AT THE END OF THIS SECTION.

2. DOES THE REQUIREMENT FOR NOTIFYING PARENTS AS TO WHO WILL ATTEND THE IEP MEETING MEAN THAT THE PARTICIPANTS MUST BE LISTED BY NAME, TITLE, OR BOTH?

   THE LAW IS NOT SPECIFIC ON THIS POINT. THE INTENT OF THIS REQUIREMENT WOULD BEST BE MET IF THOSE ATTENDING ARE LISTED BY NAME AND POSITION.

3. WHO HAS TO PARTICIPATE IN THE INITIAL IEP?

   THE TEACHER AND/OR THERAPIST, DISTRICT REPRESENTATIVE QUALIFIED AS OUTLINED IN QUESTION #5, ONE OR BOTH OF THE PARENTS (OR THE ADULT STUDENT), THE STUDENT WHERE APPROPRIATE, AND A MEMBER OF THE ASSESSMENT TEAM. MEMBERS OF THE IEP COMMITTEE MAY FILL MORE THAN ONE POSITION EXCEPT AS NOTED IN #6. PARENTS SHOULD BE ADVISED THAT THEY MAY BRING OTHERS TO THE IEP MEETING AT THEIR DISCRETION.

4. MUST AN ADMINISTRATOR SUCH AS A PRINCIPAL OR SPECIAL EDUCATION SUPERVISOR ATTEND THE IEP MEETING?

   NO. THE PERSON WHO IS DESIGNATED IN WRITTEN POLICY/PROCEDURE TO REPRESENT THE DISTRICT AT THE IEP MEETING CAN BE A PERSON WHO IS QUALIFIED TO PROVIDE OR

SUPERVISE THE PROVISION OF SPECIAL EDUCATION AND RELATED SERVICES AND WHO HAS THE AUTHORITY TO COMMIT AGENCY RESOURCES" (OSE/DAS BULLETIN, #E4, 5-23-80). CLEARLY, THE PERSON ACTING IN THIS CAPACITY SHOULD HAVE DISTRICT-WIDE KNOWLEDGE OF RESOURCES AND PROGRAMS (E.G., TRANSPORTATION) IN ORDER TO MEET THE INTENDED ROLE OF DISTRICT REPRESENTATIVE. IT SHOULD BE FURTHER NOTED THAT SERVICES AGREED UPON AT THE IEP MEETING WILL ACTUALLY BE PROVIDED AND NOT "VETOED" AT A HIGHER ADMINISTRATIVE LEVEL WITHIN THE AGENCY.

5. CAN A SPECIAL EDUCATION TEACHER OR THERAPIST SERVE AS BOTH THE "TEACHER" AND THE "DISTRICT REPRESENTATIVE" AT THE IEP MEETING?

   NO. THE SAME PERSON CANNOT ACT AT THE MEETING AS BOTH THE DISTRICT REPRESENTATIVE AND THE STUDENT'S TEACHER AT THE SAME TIME.

6. WHEN MUST IEPS BE WRITTEN - BEFORE/AFTER PLACEMENT?

   PARAGRAPH (B) OF SECTION 121A.342 STATES THAT AN IEP MUST "BE IN EFFECT BEFORE SPECIAL EDUCATION AND RELATED SERVICES ARE PROVIDED TO A CHILD." THIS IS CONSISTENT WITH THE INTENT OF THE LAW. SINCE THE IEP SETS OUT THE SPECIFIC SPECIAL EDUCATION TO BE PROVIDED, WHICH INCLUDES PLACEMENT, IT WOULD NOT BE APPROPRIATE TO FIRST PLACE THE CHILD AND THEN DEVELOP THE IEP.

7. TO WHAT EXTENT CAN THE IEP BE DEVELOPED BY DISTRICT STAFF PRIOR TO THE IEP MEETING WITH PARENTS?

   ALTHOUGH NEITHER STATE NOR FEDERAL REGULATIONS SPECIFICALLY ADDRESS THIS POINT, CLEARLY THE INTENT OF THE LAW IS THAT PARENTS WILL ACTIVELY PARTICIPATE IN IEP DEVELOPMENT. HOWEVER, IT WOULD SEEM REASONABLE, EFFICIENT AND IN KEEPING WITH WAC 392-171-376 IF AT THE TIME OF THE DISTRICT'S DECISION SOME TENTATIVE GOALS AND/OR OBJECTIVES

BE PROPOSED. PARENTS THEN HAVE TIME TO CONSIDER THESE SUGGESTIONS AND DEVELOP PROPOSALS OF THEIR OWN FOR CONSIDERATION AT THE IEP MEETING.

8. IF PARENTS ARE UNWILLING OR UNABLE TO ATTEND THE IEP MEETING, CAN THE SCHOOL DEVELOP THE IEP WITHOUT PARENT PARTICIPATION?

PL 94-142 (45 CFR PART 121A.345(A)) STATES THAT SCHOOLS SHALL ENSURE THAT PARENTS ARE PRESENT AT IEP MEETINGS OR ARE AFFORDED THE OPPORTUNITY TO PARTICIPATE. IF PARENTS CANNOT ATTEND, THE SCHOOL SHALL USE OTHER METHODS TO ENSURE PARENT PARTICIPATION (SEE QUESTION 17.) MEETINGS CAN OCCUR WITHOUT PARENTS IN ATTENDANCE (ASSUMING THE DISTRICT HAS DOCUMENTED ITS EFFORTS TO CONVINCE PARENTS TO ATTEND).

9. WHAT SHOULD BE INCLUDED UNDER "STUDENT'S PRESENT LEVELS OF EDUCATIONAL PERFORMANCE"?

SINCE THE IEP IS A COMMUNICATION VEHICLE BETWEEN ALL PARTICIPATING PARTIES, IT IS IMPORTANT THAT THE STATEMENTS RELATIVE TO THE GENERAL AREAS OF ASSESSMENT GIVE AN ACCURATE PICTURE OF THE STUDENT'S CURRENT PERFORMANCE. WHILE TEST SCORES MIGHT BE USEFUL IN SOME CASES, THEY SHOULD BE PRESENTED IN SUCH A WAY THAT THEY CAN BE INTERPRETED BY ALL PARTICIPANTS AT THE MEETING. THE STATEMENTS SHOULD BE BASED ON THE RESULTS OF THE ASSESSMENT/EVALUATION OF THE STUDENT AND SHOULD COVER ALL SPECIAL EDUCATION AND RELATED SERVICE NEEDS. THERE SHOULD BE A DIRECT, IDENTIFIABLE LINK BETWEEN THE PRESENT LEVELS OF EDUCATIONAL PERFORMANCE AND THE GOALS AND OBJECTIVES AND SERVICES PROVIDED.

10. CAN THE DISTRICT WAIT UNTIL AFTER THE STUDENT IS PLACED TO WRITE SHORT-TERM OBJECTIVES?

NO. BOTH FEDERAL AND STATE REGULATIONS REQUIRE THAT SHORT-TERM OBJECTIVES BE PART OF THE IEP, THAT THE IEP BE

DEVELOPED WITH PARENTAL PARTICIPATION, AND THAT THE IEP BE IN EFFECT BEFORE THE STUDENT RECEIVES SPECIAL EDUCATION SERVICES.

11. HOW CAN THE IEP COMMITTEE WRITE SHORT-TERM OBJECTIVES PRIOR TO PLACEMENT WHEN THE ASSESSMENT DOES NOT PROVIDE THE NECESSARY DATA?

THE PREPLACEMENT ASSESSMENT HAS TWO PURPOSES: 1) TO ESTABLISH THAT THE STUDENT IS HANDICAPPED ACCORDING TO WAC 392-171-381 THROUGH 451, AND IS IN NEED OF SPECIAL EDUCATION SERVICES; AND 2) TO IDENTIFY EDUCATIONAL NEEDS FOR THE PURPOSE OF WRITING GOALS AND OBJECTIVES. SHORT-TERM OBJECTIVES ARE SIMPLY BENCHMARKS OR MILESTONES FOR INDICATING PROGRESS TOWARD MEETING THE ANNUAL GOALS. THEY ARE NOT INTENDED TO ADDRESS THE SPECIFICS THAT ARE TRADITIONALLY FOUND IN DAILY, WEEKLY, OR MONTHLY INSTRUCTIONAL PLANS. THEREFORE, THE COMMITTEE WHEN REVIEWING A PROPERLY COMPLETED SUMMARY ANALYSIS WITH ITS IMPLICIT GOALS CAN, WITHOUT FURTHER DATA, SIMPLY EXTRAPOLATE SHORT-TERM OBJECTIVES.

12. DOES THE IEP LIST SERVICES NEEDED OR THOSE TO BE PROVIDED?

"EACH HANDICAPPED CHILD MUST BE PROVIDED ALL SERVICES NECESSARY TO MEET HIS/HER SPECIAL EDUCATION AND RELATED NEEDS" (OSE/DAS BULLETIN #64, 5-23-80). THIS ISSUE IS ALSO SPOKEN TO IN STATE REGULATION, WAC 392-171-461: "A STATEMENT OF THE SPECIFIC SPECIAL EDUCATION AND RELATED SERVICES NEEDED AND THE METHODS BY WHICH THEY ARE TO BE PROVIDED TO THE STUDENT." THUS, AT BOTH THE FEDERAL AND STATE LEVELS IT IS CLEAR THAT THE SERVICES LISTED ON THE IEP MUST REFLECT EACH STUDENT'S UNIQUE EDUCATIONAL NEEDS AS OPPOSED TO SERVICES LISTED SOLELY ON AVAILABILITY.

13. MUST THE IEP SPECIFY THE EXTENT OR AMOUNT OF SERVICES OR SIMPLY LIST THE SERVICES TO BE PROVIDED?

THE EXTENT AND DURATION OF SERVICES MUST BE STATED IN THE IEP, SO THAT THE RESOURCE COMMITMENT CAN BE CLEAR TO PARENTS AND OTHER IEP TEAM MEMBERS. SOME GENERAL STANDARD OF TIME MUST BE INDICATED, WHICH 1) IS APPROPRIATE TO THE SPECIFIC SERVICE TO BE PROVIDED; AND 2) IS CLEAR TO ALL PARTICIPANTS. BY DOCUMENTING MINUTES PER WEEK SPENT IN REGULAR EDUCATION (ACADEMIC AND NONACADEMIC ACTIVITIES) AND MINUTES SPENT IN ANY OTHER CATEGORICAL PROGRAMS, THE DISTRICT PROVIDES SUPPORTIVE EVIDENCE OF LEAST RESTRICTIVE ENVIRONMENT.

14. IS THE IEP A BINDING CONTRACT?

NO AGENCY, TEACHER OR OTHER PERSON CAN BE HELD ACCOUNTABLE IF A STUDENT DOES NOT ACHIEVE THE GROWTH PROJECTED IN THE ANNUAL GOALS AND OBJECTIVES. HOWEVER, THIS DOES NOT RELIEVE AGENCIES AND STAFF FROM MAKING GOOD FAITH EFFORTS TO ASSIST THE STUDENT IN ACHIEVING IEP GOALS AND OBJECTIVES. SERVICES PROVIDED AS INDICATED ON THE IEP HAVE BEEN VIEWED IN A COURT OF LAW AS A BINDING CONTRACT. FURTHER, PARENTS HAVE THE RIGHT TO ASK FOR IEP REVISIONS OR TO INVOKE DUE PROCESS PROCEDURES IF THESE EFFORTS ARE NOT BEING MADE (CFR COMMENT, PART 121A.349).

15. MUST ALL ITEMS ON THE IEP BE ADDRESSED EVEN WHEN THEY DO NOT APPLY TO A PARTICULAR STUDENT?

YES, THE COMPONENTS WHICH MAKE UP THE IEP DOCUMENT CONSTITUTE A SERIES OF OPTIONS WHICH NEED TO BE DISCUSSED WITH PARENTS AND THEN DETERMINED TO BE NEEDED OR NOT APPLICABLE. WRITING N/A OR NONE SERVES AS THE DISTRICT'S DOCUMENTATION THAT THIS PROCESS IS OCCURING.

16. WHAT STEPS SHOULD BE INITIATED WHEN PARENTS ARE UNABLE OR UNWILLING TO ATTEND THE IEP MEETING?

A. THE SCHOOL MUST MAINTAIN A DETAILED RECORD OF ATTEMPTS TO ARRANGE A MUTUALLY AGREED UPON TIME AND PLACE SUCH AS TELEPHONE CALLS ATTEMPTED AND RESULTS, CORRESPONDENCE TO PARENTS AND RESPONSES.

B. AFTER FAILING TO CONVINCE PARENTS TO ATTEND THE IEP MEETING, THE SCHOOL SHALL USE OTHER MEANS TO GAIN PARENT PARTICIPATION IN IEP DEVELOPMENT INCLUDING, BUT NOT LIMITED TO, INDIVIDUAL OR CONFERENCE TELEPHONE CALLS. THESE EFFORTS SHOULD BE DOCUMENTED. (SEE ATTACHED EXAMPLE FORMS.)

C. THE SCHOOL MAY PROCEED WITH IEP DEVELOPMENT WITHOUT THE PARENT. WRITTEN PRIOR NOTICE MUST BE SENT TO THE PARENT BEFORE INITIAL PLACEMENT OR WHENEVER A CHANGE IS PROPOSED OR REFUSED REGARDING IDENTIFICATION, PLACEMENT, OR THE PROVISION OF A FREE APPROPRIATE PUBLIC EDUCATION. IN ADDITION, WRITTEN PARENTAL CONSENT MUST BE OBTAINED BEFORE INITIAL PLACEMENT (IMPLEMENTATION OF THE STUDENT'S FIRST IEP).

17. ARE PARENTS REQUIRED TO SIGN THE IEP?

SCHOOL DISTRICTS ARE REQUIRED TO DOCUMENT PARENT PARTICIPATION IN IEP DEVELOPMENT, CONSENT FOR INITIAL PLACEMENT AND RECEIPT AND UNDERSTANDING OF RIGHTS. ALTHOUGH NOT REQUIRED BY LAW, PARENT SIGNATURE ON THE IEP IS GENERALLY VIEWED AS THE MOST EFFICIENT WAY TO PROVIDE THE REQUIRED DOCUMENTATION OF THIS PARTICIPATION. A PARENT SIGNATURE ON THE IEP DOES NOT PRECLUDE THE PARENT, AT SOME LATER DATE, FROM DISAGREEING WITH THE STUDENT'S PROGRAM OR INITIATING DUE PROCESS.

18. IS WRITTEN PARENTAL CONSENT REQUIRED TO IMPLEMENT THE IEP?

WRITTEN PARENTAL CONSENT IS REQUIRED PRIOR TO INITIAL PLACEMENT, WHICH MEANS PRIOR TO THE IMPLEMENTATION OF A STUDENT'S FIRST IEP. WRITTEN PARENTAL CONSENT IS NOT REQUIRED FOR THE IMPLEMENTATION OF CONTINUING IEPS.

19. WHAT IF THE PARENT REFUSES CONSENT FOR INITIAL PLACEMENT?

FIRST, ATTEMPT TO RESOLVE DIFFERENCES THROUGH NEGOTIATION. IF DIFFERENCES CANNOT BE RESOLVED, THE DISTRICT MAY INITIATE A DUE PROCESS HEARING. INITIAL PLACEMENT CANNOT BE MADE UNTIL THE PARENT PROVIDES WRITTEN CONSENT OR THE REFUSAL OF A STUDENT'S PARENT (OR ADULT STUDENT) TO GRANT CONSENT HAS BEEN OVERRIDDEN BY THE SCHOOL DISTRICT PURSUANT TO A HEARING (OR APPEAL) CONDUCTED IN ACCORDANCE WITH WAC 392-171-521, ET SEQ. IN THE MEANTIME, THE STUDENT MUST REMAIN IN HIS/HER PRESENT EDUCATIONAL SETTING UNLESS THE PARENT AND SCHOOL AGREE OTHERWISE (45 CFR PART 121A.513).

20. WHAT CONSTITUTES ANNUAL REVIEW?

STATUTE REQUIRES THAT AT LEAST ANNUALLY THE IEP COMMITTEE MEET TO REVIEW AND REVISE AS NECESSARY THE STUDENT'S EDUCATIONAL PROGRAM. NEW ANNUAL GOALS MUST BE DETERMINED, INCLUDING OBJECTIVES AND WHATEVER APPROPRIATE CHANGES ARE NECESSARY REGARDING RELATED SERVICES OR EXTENT OF PARTICIPATION IN REGULAR EDUCATION. THUS THE IMPLICATION OF THE LAW IS THAT DISTRICTS AND PARENTS, BASED ON ASSESSMENT/EVALUATION FINDINGS, REVIEW ALL OF THE COMPONENTS (SERVICE DELIVERY AND FULL CONTINUUM OF PLACEMENT OPTIONS) TO REDETERMINE THAT BOTH THE PLACEMENT AND PROGRAM ARE APPROPRIATE.

21. WHO HAS TO PARTICIPATE IN THE REVIEW OF THE IEP?

THE REQUIREMENTS AS TO MEETING PARTICIPANTS REMAINS THE SAME FOR THE ANNUAL REVIEW MEETING AS FOR THE INITIAL IEP MEETING.

22. WHAT HAPPENS IF THE DISTRICT CONDUCTS AN IEP MEETING TO REVIEW AND REVISE THE IEP AND THE PARENTS DO NOT AGREE WITH A PROPOSED CHANGE?

FIRST, THE SCHOOL AND THE PARENTS SHOULD ATTEMPT TO RESOLVE DIFFERENCES THROUGH NEGOTIATION. IF UNABLE TO DO SO, THE DISTRICT CAN PROVIDE PARENTS WITH A WRITTEN PRIOR NOTICE OF THE PROPOSED CHANGE, ALONG WITH A COPY OF PARENT RIGHTS. (THIS NOTICE MUST BE IN ACCORDANCE WITH WAC 392-171-526.) AT THIS POINT, THE PARENTS MAY INITIATE A DUE PROCESS HEARING TO CHALLENGE THE APPROPRIATENESS OF PROPOSED SERVICES. IF THE PARENTS DESIRE SUCH A HEARING, THE SCHOOL DISTRICT MUST BE NOTIFIED IN WRITING. IF NO HEARING IS INITIATED, THE SCHOOL DISTRICT MAY GO AHEAD AND IMPLEMENT THE PROPOSED CHANGE IN SERVICES.

23. WHAT CONSTITUTES A CHANGE IN PLACEMENT WITHIN DISTRICT?

WITHIN DISTRICT ANY SIGNIFICANT CHANGE IN THE SERVICES PROVIDED REQUIRES PRIOR WRITTEN NOTICE TO PARENTS. HOWEVER, AS LONG AS THERE IS NO CHANGE IN THE OVERALL AMOUNT OR TYPE OF SERVICES, SOME ADJUSTMENTS IN SCHEDULING THE SERVICES SHOULD BE POSSIBLE (BASED ON THE PROFESSIONAL JUDGMENT OF THE SERVICE PROVIDER).

24. HOW SHOULD TRANSFER STUDENTS BE PLACED?

THE LAW IS SPECIFIC THAT AN IEP BE IN EFFECT BEFORE SPECIAL EDUCATION SERVICES CAN BE PROVIDED. BECAUSE EACH DISTRICT'S SERVICE DELIVERY MODEL IS UNIQUE, A TRANSFER FROM ONE DISTRICT TO ANOTHER NECESSARILY CONSTITUTES A CHANGE IN PROGRAM, THUS REQUIRING THE NEW CONTRACTING PARTIES TO DOCUMENT THEIR AGREEMENT REGARDING IEP CONTENT.

25. MUST THE IEP INDICATE THE SPECIFIC PHYSICAL EDUCATION SERVICES REQUIRED?

PL 94-142 (45 CFR PART 121A.307) REQUIRES THAT EITHER REGULAR OR SPECIALLY DESIGNED PHYSICAL EDUCATION MUST BE MADE AVAILABLE TO ALL HANDICAPPED STUDENTS. IF SPECIALLY DESIGNED, THE IEP SHOULD DESCRIBE JUSTIFICATION FOR

PLACEMENT, ANNUAL PHYSICAL EDUCATION GOALS AND SHORT-TERM OBJECTIVES. IF THE STUDENT IS RECEIVING REGULAR PHYSICAL EDUCATION SERVICES, OR IF, IN THE CASE OF A SECONDARY STUDENT, HE/SHE HAS COMPLETED PHYSICAL EDUCATION REQUIREMENTS, IT IS SUGGESTED THAT THIS BE INDICATED ON THE IEP AS A WAY OF DOCUMENTING COMPLIANCE WITH PL 94-142 AND THE STATE RULES.

26. MUST THE IEP INDICATE THE SPECIFIC CAREER DEVELOPMENT AND/OR VOCATIONAL EDUCATION SERVICES REQUIRED?

STATE REGULATIONS DO REQUIRE THAT CAREER DEVELOPMENT AND/OR VOCATIONAL EDUCATION GOALS AND SHORT-TERM INSTRUCTIONAL OBJECTIVES BE SPECIFIED FOR STUDENTS WITH CHRONOLOGICAL AGES OF 14 AND ABOVE WHEN THE VOCATIONAL EDUCATION AND/OR CAREER DEVELOPMENT IS SPECIALLY DESIGNED INSTRUCTION. IF THE STUDENT IS SERVED IN THE REGULAR VOCATIONAL EDUCATION PROGRAM, THIS SHOULD BE NOTED ON THE IEP.

27. IF A STUDENT HAS ONLY A SIMPLE ARTICULATION PROBLEM, DOES THE SCHOOL HAVE TO HOLD AN IEP MEETING AND DEVELOP AN IEP CONSISTENT WITH PL 94-142 AND STATE RULE REQUIREMENTS?

YES. IF THE STUDENT HAS BEEN ASSESSED AND DETERMINED ELIGIBLE FOR SPECIAL EDUCATION SERVICES, AN IEP MEETING MUST BE HELD AND AN IEP DEVELOPED PURSUANT TO APPLICABLE STATE AND FEDERAL REQUIREMENTS.

28. CAN A COMMUNICATION DISORDERS SPECIALIST CONTRACTED THROUGH AN EDUCATIONAL SERVICE DISTRICT ACT AS THE DISTRICT REPRESENTATIVE FOR THE SCHOOL DISTRICT SHE/HE SERVES?

YES, AS LONG AS THE CDS HAS THE DESIGNATED AUTHORITY TO REPRESENT THE DISTRICT.

29. WHEN A HANDICAPPED STUDENT'S PROGRAM IS PROVIDED BY ANOTHER DISTRICT/AGENCY, WHO IS RESPONSIBLE?

THE DISTRICT IN WHICH THE STUDENT RESIDES REMAINS RESPONSIBLE FOR PROVIDING THAT STUDENT A FREE APPROPRIATE PUBLIC EDUCATION. THUS, A REPRESENTATIVE FROM THE RESIDENTIAL DISTRICT MUST BE INVOLVED IN THE DEVELOPMENT OF THE STUDENT'S IEP.

APPENDIX

IEP PROCESS CHECKLIST

REQUIREMENT/TASK	PERSON RESPONSIBLE
NOTE: AN IEP MUST BE IN EFFECT BEFORE SPECIAL EDUCATION IS PROVIDED TO A HANDICAPPED CHILD.	
___ 1. SHARE ASSESSMENT FINDINGS AND ASSESSMENT TEAM'S RECOMMENDATIONS FOR IEP WITH PARENT PRIOR TO IEP MEETING UPON PARENT REQUEST. (WAC 392-171-376).	
___ 2. SCHEDULE A MEETING TO DEVELOP THE IEP WITHIN 30 CALENDAR DAYS AFTER ASSESSMENT IS COMPLETED WHICH IS MARKED BY THE WRITTEN DECISION OF THE DISTRICT THAT THE STUDENT IS HANDICAPPED. (WAC 392-171-456).	
___ 3. INVITE THE FOLLOWING PARTICIPANTS TO THE IEP MEETING:	
___ A. THE STUDENT'S REGULAR TEACHER AND/OR SPECIAL EDUCATION TEACHER AND/OR THERAPIST.	
___ B. A REPRESENTATIVE OF THE DISTRICT, OTHER THAN THE TEACHER, WHO IS QUALIFIED TO PROVIDE OR SUPERVISE THE PROVISION OF SPECIAL EDUCATION AND RELATED SERVICES.	
___ C. THE PARENTS (OR ADULT STUDENT). (NOTE: SEE STEP 4 FOR DESCRIPTION OF NOTIFICATION TO PARENTS.)	
___ D. THE STUDENT, WHERE APPROPRIATE.	

REQUIREMENT/TASK	PERSON RESPONSIBLE
___ E. SOMEONE WHO IS KNOWLEDGEABLE ABOUT THE ASSESSMENT/EVALUATION PROCEDURES AND RESULTS. (NOTE: THIS COULD BE THE TEACHER OR DISTRICT REPRESENTATIVE.) ___ F. OTHERS AT THE DISCRETION OF THE PARENTS OR SCHOOL.	
___ 4. NOTIFY THE PARENT(S) IN WRITING AND INDICATE THE: ___ A. PURPOSE ___ B. TIME ___ C. LOCATION ___ D. WHO WILL ATTEND THE MEETING. (NOTE: PARENT(S) MUST BE NOTIFIED EARLY ENOUGH TO ENSURE THAT THEY CAN ATTEND AND HAVE AN OPPORTUNITY TO AGREE ON THE TIME AND PLACE.)	
___ 5. IF THE SCHOOL IS UNABLE TO CONVINCE THE PARENT(S) OR IF THE PARENT(S) CANNOT OR WILL NOT ATTEND THE IEP MEETING, THE DISTRICT MAY CONDUCT THE MEETING WITHOUT THE PARENT(S). IN THIS CASE, THE SCHOOL MUST HAVE A RECORD OF ATTEMPTS TO ARRANGE A MUTALLY AGREED UPON TIME AND PLACE SUCH AS: ___ A. DETAILED RECORDS OF PHONE CALLS MADE OR ATTEMPTED AND THE RESULTS. ___ B. COPIES OF CORRESPONDENCE SENT TO THE PARENT(S) AND ANY RESPONSES.	

REQUIREMENT/TASK	PERSON RESPONSIBLE
___ C. DETAILED RECORDS OF VISITS TO PARENT(S)' HOME OR PLACE OF EMPLOYMENT AND THE RESULTS.	
___ 6. IF NEITHER PARENT CAN ATTEND THE IEP MEETING IN PERSON, USE OTHER MEANS TO ENSURE PARENT PARTICIPATION IN IEP DEVELOPMENT, INCLUDING, BUT NOT LIMITED TO, INDIVIDUAL CONFERENCE TELEPHONE CALLS OR HOME VISITS.	
___ 7. DEVELOP THE IEP IN A MEETING TO INCLUDE:	
___ A. A STATEMENT OF PRESENT LEVELS OF EDUCATIONAL PERFORMANCE.	
___ B. A STATEMENT OF SPECIFIC ANNUAL GOALS.	
___ C. A STATEMENT OF SHORT-TERM MEASURABLE OBJECTIVES.	
___ D. A STATEMENT OF SPECIFIC SPECIAL EDUCATION AND RELATED SERVICES NEEDED AND THE METHODS BY WHICH THEY WILL BE PROVIDED.	
___ E. EXTENT OF PARTICIPATION IN REGULAR PROGRAMS.	
___ F. PROJECTED DATE(S) FOR INITIATION OF SERVICES, AND THE ANTICIPATED DURATION OF SERVICES.	
___ G. OBJECTIVE CRITERIA, EVALUATION PROCEDURES AND SCHEDULES FOR DETERMINING AT LEAST ANNUALLY, WHETHER GOALS AND SHORT-TERM	

REQUIREMENT/TASK	PERSON RESPONSIBLE
OBJECTIVES ARE BEING MET.	
___ H. DESCRIPTION OF VOCATIONAL AND/OR CAREER EDUCATION PROGRAMMING TO BE PROVIDED TO STUDENTS OF C.A. 14 AND ABOVE.	
___ 8. ENSURE THAT THE PARENT(S) UNDERSTAND(S) THE PROCEDINGS AT THE MEETING, INCLUDING ARRANGING FOR AN INTERPRETER FOR PARENTS WHO ARE DEAF OR WHOSE NATIVE LANGUAGE IS OTHER THAN ENGLISH.	
___ 9. DOCUMENT THE PRESENCE OF THOSE IN ATTENDANCE AT THE IEP MEETING.	
___ 10. GIVE THE PARENT(S) A COPY OF THE IEP.	
___ 11. GIVE THE PARENT(S) WRITTEN PRIOR NOTICE INCLUDING A STATEMENT OF PARENT RIGHTS BEFORE INITIAL PLACEMENT, OR BEFORE CHANGING OR REFUSING TO CHANGE THE STUDENT'S IDENTIFICATION OR PLACEMENT, OR THE PROVISION OF A FREE APPROPRIATE PUBLIC EDUCATION TO THE STUDENT.	
___ 12. OBTAIN WRITTEN PARENTAL CONSENT BEFORE INITIAL PLACEMENT OF A HANDICAPPED STUDENT IN A PROGRAM PROVIDING SPECIAL EDUCATION AND RELATED SERVICES.	
___ 13. IMPLEMENT THE IEP AS SOON AS POSSIBLE FOLLOWING THE IEP MEETING. (NOTE: THIS MEANS IMMEDIATELY FOLLOWING THE IEP MEETING UNLESS THE MEETING OCCURRED DURING THE SUMMER OR A VACATION PERIOD, OR WHERE THERE ARE CIRCUMSTANCES, SUCH	

REQUIREMENT/TASK	PERSON RESPONSIBLE
AS WORKING OUT TRANSPORTATION ARRANGEMENTS, WHICH REQUIRE A SHORT DELAY (CFR COMMENT PART 121a.342).)	
___ 14. CONDUCT A MEETING TO REVIEW AND REVISE AS APPROPRIATE THE STUDENT'S IEP AT LEAST ONCE A YEAR. THIS COULD BE ON THE ANNIVERSARY DATE OF THE LAST IEP MEETING OR SOME EARLIER DATE. COMPLETE STEPS 3-10, AND 12 ON THE CHECKLIST. STEP 11, WRITTEN PRIOR NOTICE, IS REQUIRED IF A CHANGE IN IDENTIFICATION OR PLACEMENT IS PROPOSED OR REFUSED, OR BEFORE CHANGING OR REFUSING TO CHANGE THE PROVISION OF A FREE APPROPRIATE PUBLIC EDUCATION TO THE STUDENT.	
___ 15. ENSURE THAT AN IEP IS IN EFFECT FOR EACH HANDICAPPED STUDENT WHO IS RECEIVING SPECIAL EDUCATION.	

DEFINITIONS

ASSESSMENT:

Procedures used in accordance with Chapter 392-171- WAC to determine whether a student is handicapped and the nature and extent of the special education and related services the student needs. The term means procedures used selectively with an individual student and does not include basic tests administered to or procedures used with all students in a school, grade or class.

CODE OF FEDERAL REGULATIONS (CFR):

The Code of Federal Regulations is a codification of regulations which are published first in the Federal Register by the departments and agencies of the federal government. The Code is divided into fifty titles representing broad areas subject to federal regulations. The CFR citations in this paper are from Title 45 Public Welfare, Chapter I - Office of Health, Education and Welfare, Part 121a. - Assistance to States for Education of Handicapped Children. Title 45, Part 121a. contains the federal regulations implementing PL 94-142, The Education For All Handicapped Children Act.

CFR COMMENT:

Explanations of PL 94-142 which are quoted from the Code of Federal Regulations. The comments are not part of the regulations but help to interpret them.

EVALUATION:

Procedures used to determine, on at least an annual basis, the current performance levels of a student relative to the goals and objectives which have been established in his/her IEP.

FREE APPROPRIATE PUBLIC EDUCATION (FAPE):

As defined by PL 94-142 (45 CFR Part 121a.), means special education and related services which:

A. ARE PROVIDED AT PUBLIC EXPENSE, UNDER PUBLIC SUPERVISION AND DIRECTION, AND WITHOUT CHARGE.
B. MEET THE STANDARDS OF THE STATE EDUCATION AGENCY, AS WELL AS THE REQUIREMENTS OF PL 94-142.
C. INCLUDE PRESCHOOL, ELEMENTARY SCHOOL, OR SECONDARY SCHOOL EDUCATION IN THE STATE INVOLVED; AND
D. ARE PROVIDED IN CONFORMITY WITH AN IEP.

HANDICAPPED STUDENTS:

AS DEFINED BY PL 94-142, MEANS THOSE STUDENTS ASSESSED ACCORDING TO THE REGULATIONS (45 CFR PART 121A.530-534) AND FOUND TO BE MENTALLY RETARDED, HARD OF HEARING, DEAF, SPEECH IMPAIRED, VISUALLY HANDICAPPED, SERIOUSLY EMOTIONALLY DISTURBED STUDENTS, ORTHOPEDICALLY IMPAIRED, OTHER HEALTH IMPAIRED, DEAF-BLIND, MULTIHANDICAPPED, OR HAVE SPECIFIC LEARNING DISABILITIES, WHO BECAUSE OF THOSE IMPAIRMENTS NEED SPECIAL EDUCATION AND RELATED SERVICES.

INDIVIDUALIZED EDUCATION PROGRAM (IEP):

A WRITTEN EDUCATIONAL PLAN WHICH IS DEVELOPED AND IMPLEMENTED FOR EACH HANDICAPPED STUDENT ACCORDING TO THE FEDERAL AND STATE REQUIREMENTS OUTLINED IN THIS PAPER.

RELATED SERVICES:

RELATED SERVICES, AS DEFINED BY WAC 392-171-320, ENCOMPASSES A VARIETY OF SUPPORTIVE SERVICES AS ARE REQUIRED TO ASSIST A HANDICAPPED STUDENT TO BENEFIT FROM SPECIAL EDUCATION. THESE SUPPORTIVE SERVICES INCLUDE SUCH ACTIVITIES AS IDENTIFICATION AND DIAGNOSIS OF SPECIFIC NEEDS, COUNSELING AND GUIDANCE OF PARENTS, STUDENTS AND STAFF, PSYCHOLOGICAL SERVICES, CERTAIN MEDICAL SERVICES, TRANSPORTATION, ASSISTANCE FROM CLASSIFIED STAFF REGARDING STUDENT SAFETY AND LRE PLACEMENT. SERVICE AREAS INCLUDE AUDIOLOGY, OCCUPATIONAL THERAPY, PHYSICAL THERAPY, RECREATION, SCHOOL HEALTH, AND COMMUNICATION DISORDERS.

SPECIAL EDUCATION:

AS DEFINED BY WAC 392-171-315 SPECIAL EDUCATION MEANS SPECIALLY DESIGNED INSTRUCTION AT NO COST TO THE PARENT OR STUDENT TO MEET THE UNIQUE NEEDS, ABILITIES, AND LIMITATIONS OF A HANDICAPPED STUDENT, INCLUDING REGULAR CLASSROOM INSTRUCTION, INSTRUCTION IN PHYSICAL EDUCATION, HOME INSTRUCTION, INSTRUCTION IN HOSPITALS AND INSTITUTIONS. THE TERM INCLUDES COMMUNICATION DISORDERS SERVICE, PHYSICAL AND OCCUPATIONAL THERAPY, ORIENTATION AND MOBILITY INSTRUCTION. THE TERM ALSO INCLUDES CAREER DEVELOPMENT AND VOCATIONAL EDUCATION IF EITHER CONSISTS OF SPECIALLY DESIGNED INSTRUCTION, AT NO COST TO THE PARENTS OR THE STUDENT, TO MEET THE UNIQUE NEEDS OF THE HANDICAPPED STUDENT.

WAC:

A REGULATION IMPLEMENTING A CHAPTER OF THE REVISED CODE OF WASHINGTON. WAC 392-171 PERTAINS TO SPECIAL EDUCATION IN WASHINGTON SCHOOLS.

SAMPLE FORMS

INDIVIDUALIZED EDUCATION PROGRAM - IEP

STUDENT _____ IEP CONFERENCE DATE _____

BIRTH DATE _____ ANNUAL REVIEW DATE _____

SCHOOL _____ PRIMARY LANGUAGE IN HOME _____

GRADE _____ PLACEMENT DATE _____

STUDENT I.D.# _____ REASSESSMENT DUE _____

Least Restrictive Environment

	Estimated Time Minutes/Week	Anticipated Start	Anticipated End
Special Education Services			
Subtotal			
Related Service			
Subtotal			
Total time in Special Education and related services			
Total			
Regular Education			
Other Categorical			

Physical Education Regular ( ) Special ( )

Justification for Special _____

P.E. Requirement Completed ( )

Vocational/Career Programming for Secondary Students

(C.A. 14 and Above)

Regular ( )

Special ( )

*A written list of my rights and responsibilities has been present and explained to me in a manner which I fully understand.
*I have had the opportunity to participate in the development of the Individualized Education Program and fully agree with its content.
*I fully understand all programs and services listed above and give my permission for my child/ward to participate in these programs/services.
*I have been informed that the short-term objectives listed on this form will be reviewed by the person(s) responsible for implementing the objectives and may be reviewed in keeping with the student's progress toward the stated goals.

_____ _____

Parent Signature Date

Signatures of IEP Committee Members in Attendance

NAME	POSITION
	Parent
	Teacher
	District Representative
	Other
	Other

INDIVIDUALIZED EDUCATION PROGRAM (IEP)

STUDENT _____ ANNUAL REVIEW DATE _____

PRESENT LEVELS OF PERFORMANCE

SCHOLASTIC: (MAY INCLUDE INTELLECTUAL, LANGUAGE AND COMMUNICATION, PERCEPTUAL, ACADEMIC, AND COGNITIVE DEVELOPMENT.)

ADJUSTMENT: (MAY INCLUDE A DESCRIPTION OF THE STUDENT'S SOCIAL SKILLS AND EMOTIONAL STATUS, CAREER AND VOCATIONAL AND ADAPTIVE BEHAVIORS: E.G., SELF-HELP, INTERPERSONAL COMMUNICATION, SURVIVAL SKILLS, AND PRACTICAL APPLICATION OF ACADEMIC SKILLS.)

PHYSICAL: (MAY INCLUDE A DESCRIPTION OF THE STUDENT'S GENERAL HEALTH STATUS, VISION AND HEARING, SCREENING, MULCULOSKELETAL, ORAL PERIPHERAL EXAMINATION, NEUROLOGICAL AND DEVELOPMENTAL AREAS.)

IEP GOALS AND SHORT-TERM OBJECTIVES

STUDENT _____ ANNUAL REVIEW DATE _____

	INITIATION	COMPLETION
ANNUAL GOAL # _____		
OBJECTIVE # _____		
OBJECTIVE # _____		
OBJECTIVE # _____		

ANNUAL GOAL # _____		
OBJECTIVE # _____		
OBJECTIVE # _____		
OBJECTIVE # _____		

DIRECTIONS FOR COMPLETING IEP FORM

STUDENT IDENTIFICATION DATA

STUDENT: LAST NAME, FIRST NAME, MIDDLE INITIAL (SMITH, JOHN P.)

BIRTH DATE: MONTH/DAY/YEAR (3/7/71)

SCHOOL: PRESENT SCHOOL BUILDING PLACEMENT

GRADE: PRESENT GRADE IN SCHOOL OR GRADE STUDENT WOULD BE IN IF IN REGULAR CLASSROOM

STUDENT I.D.#: FOR THOSE DISTRICTS UTILIZING STUDENT IDENTIFICATION NUMBERS

IEP CONFERENCE DATE: DATE OF IEP COMMITTEE MEETING. THIS IS INCLUDED TO HELP DOCUMENT THAT THE IEP MEETING WAS HELD WITHIN 30 DAYS OF ELIGIBILITY DETERMINATION/OR REVIEWED ANNUALLY

ANNUAL REVIEW DATE: THE MONTH, DAY AND YEAR UPON OR BEFORE WHICH THE IEP COMMITTEE MEMBERS WILL MEET TO REVIEW THE IEP. THE IEP REVIEW DATE MUST BE NO LATER THAN ONE YEAR AFTER THE IEP CONFERENCE DATE

PRIMARY LANGUAGE IN HOME: AN INDICATION OF THE NATIVE LANGUAGE OR FIRST LANGUAGE PREDOMINANTLY SPOKEN IN THE HOME

PLACEMENT DATE:

A) THE DATE A NEW OR TRANSFER STUDENT IS PLACED IN THE DISTRICT'S SPECIAL EDUCATION PROGRAM; OR

B) ORIGINAL DATE THAT A CONTINUING STUDENT WAS PLACED IN THE DISTRICT'S SPECIAL EDUCATION PROGRAM

REASSESSMENT DUE: THE DATE UPON WHICH THE STUDENT SHALL BE FULLY REASSESSED. THIS SHALL BE ONCE EVERY THREE YEARS.

Least Restrictive Environment (LRE)

The IEP shall indicate the greatest extent to which the child will be able to participate in the regular education programs. The special educational services provided to the student should be indicated and accompanied by a brief justification of the students' placement in that setting. The related services and corresponding amount of time shall also be noted, as well as time in regular education and other categorical programs.

Annual Goals

Annual goals are written in response to the present levels of performance and based on assessment results and parent input where it is provided. Annual goal statements should be specific and indicate the direction of change (e.g., increase/ decrease) and desired or expected levels of change in specific skill areas. These goals should be the team's or the teacher's best estimate of what the student will be able to accomplish within one year.

Example:

Goal 1. To increase reading from the 3.5 grade level to the 4.0 grade level as measured by a standardized reading test.

Goal 2. To increase appropriate school behavior by 50% as measured by teacher observation.

Short-Term Objectives

Short-term objectives describe the expected student behavior and are intermediate steps or benchmarks toward reaching the annual goals. These objectives should be broad enough to allow for flexibility in classroom teaching methods while also providing a means for evaluating student progress. Short-term objectives should be reviewed for progress at regular intervals during the school year, most likely at the time of the regular district grading periods.

In order to assure individualization of objectives, an estimation of each student's progress per grading period shall be considered when writing an IEP. The criteria of short-term

OBJECTIVES SHALL INCLUDE A DESCRIPTION OF THE BEHAVIOR A STUDENT IS EXPECTED TO DEMONSTRATE AS WELL AS THE LEVEL OF PERFORMANCE WHICH WOULD INDICATE SUCCESSFUL ACHIEVEMENT OF THE OBJECTIVE.

EXAMPLES:

1.1 GIVEN A LIST OF 10 WORDS, THE STUDENT WILL IDENTIFY BASE WORDS, SUFFIXES, PREFIXES, AND COMMON ENDINGS WITH 90% ACCURACY BY THE END OF THE 1ST GRADING PERIOD.

1.2 THE STUDENT WILL CORRECTLY RECOGNIZE 40 OUT OF 50 GIVEN SURVIVAL WORDS BY THE END OF THE 2ND GRADING PERIOD.

1.3 THE STUDENT WILL CORRECTLY ANSWER COMPREHENSION QUESTIONS AT THE END OF EACH UNIT WITH 90% ACCURACY BY THE END OF THE GRADING PERIOD.

2.1 THE STUDENT WILL REMAIN IN SEAT FOR 15 MINUTES OF A 20-MINUTE PERIOD FOR 3 CONSECUTIVE DAYS.

2.2 THE STUDENT WILL COMPLETE 80% OF WEEKLY ASSIGNMENTS.

2.3 WHEN ASKED TO PARTICIPATE, THE STUDENT WILL RESPOND APPROPRIATELY 80% OF THE TIME.

2.4 THE STUDENT WILL INITIATE OR RESPOND APPROPRIATELY TO PEER INTERACTION OR CONTACT 5 TIMES DURING A 30-MINUTE RECESS PERIOD.

NOTE: SPECIFIC INSTRUCTIONAL OBJECTIVES ARE NOT INCLUDED ON THE IEP BUT RATHER ARE FOUND IN THE CLASSROOM. THEY PROVIDE THE SPECIFIC INSTRUCTIONAL METHODS DESIGNED BY THE TEACHER/THERAPIST, MUCH LIKE A LESSON PLAN. INSTRUCTIONAL OBJECTIVES DESCRIBE SMALLER INCREMENTS OF SKILL MASTERY AND FOR GOOD PROFESSIONAL PRACTICE SHOULD INCLUDE A DESCRIPTION OF THE EXPECTED STUDENT BEHAVIOR, THE CONDITIONS UNDER WHICH IT WILL OCCUR, THE EXPECTED LEVEL OF PERFORMANCE, AND EXPECTED DATE OF COMPLETION. THE DATE THE OBJECTIVE IS INITIATED AS WELL AS THE DATE OF MASTERY SHOULD BE RECORDED. SPECIFIC INSTRUCTIONAL OBJECTIVES, THEREFORE, BECOME THE DATA MANAGEMENT SYSTEM FOR THE TEACHER/THERAPIST TO DOCUMENT PROGRESS TOWARD THE SHORT-TERM OBJECTIVES AND GOALS.

THESE OBJECTIVES MAY BE DESIGNED AND WRITTEN BY THE TEACHER OR MAY BE TAKEN FROM A PUBLISHED CURRICULUM CONTAINING PREWRITTEN OBJECTIVES. STUDENT LEARNING OBJECTIVES (SLOs) DEVELOPED BY INDIVIDUAL DISTRICTS MAY BE AN EXCELLENT SOURCE FOR GOALS, SHORT-TERM OBJECTIVES AS WELL AS INSTRUCTIONAL OBJECTIVES AS LONG AS ANY NECESSARY ADDITIONAL CRITERIA IS WRITTEN IN BY THE TEACHER/THERAPIST.

SAMPLE DOCUMENTATION OF IEP MEETING NOTIFICATION

DIRECTIONS: THIS FORM IS FOR THE PURPOSE OF DOCUMENTING EFFORTS TO NOTIFY PARENTS OF AN IEP MEETING. IT IS TO BE FILLED OUT FOR EVERY IEP MEETING, BOTH INITIAL AND CONTINUING. SUCH NOTIFICATION MAY INCLUDE ANY OR ALL OF THE VARIOUS MEANS OF COMMUNICATION: TELEPHONE CALLS, CORRESPONDENCE, IN PERSON. REGARDLESS OF THE MODE, NOTIFICATION MUST INCLUDE THE PURPOSE OF THE MEETING, THE TIME AND LOCATION, AND WHO WILL BE IN ATTENDANCE.

STUDENT _____ BIRTH DATE _____
SCHOOL _____

TELEPHONE CALLS

DATE	TIME	STAFF MEMBER PLACING CALL
_____	_____	_____
_____	_____	_____
_____	_____	_____

CORRESPONDENCE (ATTACH COPIES)

DATE	CORRESPONDENCE SIGNED BY
_____	_____
_____	_____

IN PERSON

DATE	STAFF MEMBER MEETING WITH PARENT
_____	_____
_____	_____

I CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT RECORD OF THE SCHOOL'S EFFORTS TO OBTAIN PARENT PARTICIPATION IN THE SPECIFIED IEP MEETING.

SIGNATURE: _____

POSITION: _____

STUDENT: _____

DEAR PARENT:

YOUR CHILD'S INDIVIDUALIZED EDUCATIONAL PROGRAM (IEP) FOR THIS YEAR IS BEING DEVELOPED AND THIS LETTER IS TO CONFIRM OUR MEETING DATE.

THE PURPOSE OF THE IEP MEETING IS TO REVIEW YOUR CHILD'S PRESENT LEVEL OF FUNCTIONING, DECIDE UPON ANNUAL GOALS AND DISCUSS SPECIFIC SERVICES AND PLACEMENT OPTIONS. THE SCHOOL STAFF PERSONS PARTICIPATING IN THIS MEETING MAY INCLUDE REGULAR EDUCATION AND/OR SPECIAL EDUCATION TEACHERS, SUPPORT SERVICES STAFF AND A DISTRICT REPRESENTATIVE. IT IS IMPORTANT THAT YOU COME, AND YOU MAY BRING OR SEND A REPRESENTATIVE.

ENCLOSED IS A BLANK PAGE FROM THE IEP FORM. WE ARE INTERESTED IN HAVING YOUR HELP IN PLANNING YOUR STUDENT'S PROGRAM AND INVITE YOU TO WRITE DOWN THE GOALS YOU WOULD LIKE TO SEE INCLUDED. PLEASE BRING THESE TO THE MEETING SO WE CAN DISCUSS AND DEVELOP THE PROGRAM TOGETHER.

IF YOU HAVE ANY QUESTIONS REGARDING YOUR CHILD'S INVOLVEMENT IN THE PROGRAM AT HIS/HER SCHOOL, PLEASE FEEL FREE TO CALL THE PRINCIAPL'S OFFICE. QUESTIONS CONCERNING THE OVERALL SPECIAL EDUCATION PROGRAM SHOULD BE ADDRESSED TO THE DIRECTOR OF SPECIAL EDUCATION.

THE IEP CONFERENCE FOR YOUR STUDENT HAS BEEN SCHEDULED FOR:

DAY _____ DATE _____ TIME ____ LOCATION _____

IF FOR SOME REASON YOU ARE UNABLE TO ATTEND, PLEASE CALL SO THAT WE CAN RESCHEDULE AT A MORE CONVENIENT TIME.

THANK YOU.

SINCERELY,

_____

DISTRICT REPRESENTATIVE

S1020A.10

DIVISION OF SPECIAL SERVICES

SERIES ON P.L. 94-142 and RELATED

WASHINGTON RULES AND REGULATIONS

ISSUES CLARIFICATION

DECEMBER 1980

EC/335913

DR. FRANK B. BROUILLET STATE SUPERINTENDENT OF PUBLIC INSTRUCTION OLYMPIA, WA.

DIVISION OF SPECIAL SERVICES

WASHINGTON RULES AND REGULATIONS

ISSUES CLARIFICATION

DECEMBER 1980

Issue: CAN A HANDICAPPED STUDENT WHO HAS BEEN GRADUATED FROM HIGH SCHOOL BE SERVED BY A SCHOOL DISTRICT IF THE SCHOOL DISTRICT DESIRES TO DO SO?

Division Position: This response is put in the context of whether or not a student who has met normal high school graduation requirements could be considered a legitimate recipient of special education services and therefore state special education monies. Current regulations just adopted as well as those previously in effect preclude the legitimate delivery of services to a student who has met any of the three following criteria:

1. The student has met high school graduation requirements established by the school district pursuant to the rules of the state board of education;

2. The student has reached age twenty-one;

3. The student is no longer in need of special education and related services as judged by the students multidisciplinary team.

Since these "criteria for ineligibility" established in WAC's 392-171-325 and 331 are written on an "or" basis, when any particular criterion is met, ineligibility exists.

The OSPI/DSHS Interagency Agreement signed by both agencies in November, 1978 recognizes the fact that handicapped students who have been graduated from high school are no longer eligible for services through local school districts. The agreement spells out that 5-21 year old students will be served by local school districts unless at least one of the following conditions is met:

1. Normal high school graduation occurs;

2. The special education and related services goals listed in the IEP are achieved;

3. The student departed the school district before September 1, 1978.

If any of the conditions are met, Developmental Services, funded through the county system, may be provided to individuals within the 18-21 age category.

Issue: DEFINE SCREENING, ASSESSMENT AND EVALUATION

Division Position Screening is a procedure which is applied uniformally with a given age, class, or grade and is used to identify potentially at risk children. The main purpose of screening is to gather preliminary student information to be used in making later assessment decisions. A specific test or procedure may be used for either screening or assessment purposes. The manner in which it is administered is the critical factor in determining whether it is an appropriate procedure for assessing a student with a suspected handicap. This distinction is especially important in the assessment of communication disorders where the same instrument may be used for either screening or assessment, depending on the manner in which it is administered and the purpose intended.

Assessment is a procedure used in accordance with chapter 392-171-WAC to determine whether a student is handicapped and the nature and extent of the special education and related services the student needs. The term means procedures used selectively with an individual student and does not include basic tests administered to or procedures used with all students in a school, grade, class or age group.

Evaluation includes procedures used to determine, on at least an annual basis, the current performance levels of a student relative to the goals and objectives which have been established in his/her IEP.

Rule/Regulation 341(5)

Issue: RELEASE OF RECORDS: Must a district obtain consent from parents in order to release records to another educational agency? May a school district release records from another agency (e.g., hospital, private practitioner) to a third party such as another school district?

Division Position: The Buckley Amendment (FERPA) governs the release of educational records between school agencies. The minimum requirements of this law call for written notice to the parent when records are sent. Those records should include all district generated assessment data. However, many districts have adopted policies and/or procedures which require written parent consent before confidential records are released to other districts. These procedures must be followed. When records from a non-school agency are part of the educational record, it may be necessary for the district to request these records from the primary source. Again, applicable district/agency procedures must be followed.

Rule/Regulation WAC 351 (2)

Issue: PROCEDURAL SAFEGUARD -- NO SINGLE INSTRUMENT OR PROCEDURE: Are two procedures required for each area - scholastic, physical, adjustment?

Division Position: Although no single instrument or procedure may be the sole criterion for determining a handicapping condition, the MDT will determine which assessment procedures are appropriate for each student. When the required assessment procedures for each eligibility category are followed, the total assessment will result in (1) multiple instruments/procedures and (2) assessment in each of the three areas of scholastic, physical, and adjustment.

Rule/Regulation WAC 358,361

Issue: MEDICAL EVALUATIONS AT NO COST TO PARENT: When parents use their medical insurance to pay for medical evaluations is this really "at no cost to the parent" since it can increase their premiums?

Division Position: Parents may utilize their personal medical insurance but are not obligated to do so. CFR 121a.301(b) is intended to make clear that parents may not be charged for costs related to providing a free appropriate public education and that public educational agencies could use any available federal, state, local or private funds, including private insurance benefits.

Rule/Regulation WAC 366

Issue: SUMMARY ANALYSIS: Must environmental, cultural, economic, medical, and behavioral factors be addressed in every summary analysis regardless of whether these were of significance to assessment results?

Division Position: Yes, environmental, cultural, economic, and behavioral factors should be addressed in every summary analysis in order to indicate that the potential significance to assessment results was considered by the multidisciplinary team. When any of the above issues is not a factor, a simple statement will be sufficient to address this requirement.

Rule/Regulation WAC 366/376

Issue: WHAT CONSTITUTES A MULTIDISCIPLINARY TEAM ASSESSMENT?

Division Position: The multidisciplinary team consists of two or more persons conducting assessment activities. The assessment data must be summarized in writing. The summary may include test protocols, checklists, etc., but it must also include a statement that states the apparent significance of the findings as related to the student's instructional program and program recommendations.

The significance of the findings and the recommendations can be stated in a few sentences attached to the protocols/checklists etc. An in-depth report is not required.

Each MDT member must certify in writing his or her agreement with the summary analysis written by the team leader or submit a separate statement presenting his or her conclusions if in disagreement with the analysis.

Assessment is completed when the school district has made a written decision that the student is or is not eligible for and in need of special education services. The written decision can only be arrived at after, or in conjunction with, the development of the sumary analysis. The summary analysis and the school district decision must be completed, signed and dated no later than 35 school days after the permission to assess for initial assessments or 35 school days from parent notification for reassessment.

If the district prefers to maintain typed reports which cannot be completed within the 35 school-day period, the handwritten draft must be signed and dated by the appropriate personnel listed above and maintained until the final typed copy is available. The final copy must be signed and dated by the assessment team with the date of the original report.

An assessment of communication disordered students does not require a multidisciplinary team assessment. The CDS must use information from the classroom teacher to support the assessment. This information shall be referenced as to the date of record, location, and source person. As CDS summary also serves as the summary analysis, it should be signed by the school district's special education director or designee. WAC 351(6)

Rule/Regulation WAC 401

Issue: REITAN FOR HEALTH IMPAIRED: Is a Reitan battery administered by a trained psychologist sufficient to qualify a neurologically impaired student as health impaired?

Division Position: No. A psychologist is not a "qualified medical practitioner." A Reitan may be used for additional supportive data; however, only a qualified medical practitioner may diagnose a health impairment.

Rule/Regulation 431

Issue: MULTIHANDICAPPED: Who is a multihandicapped student?

Division Position: A multihandicapped student (1) has two or more handicapping conditions according to WAC 392-171, (2) is in need of special education for each handicap, (3) has "severe educational problems" as a result of the combined handicaps. To qualify a student in this category, the MDT must (1) conduct all required assessments in each separate eligibility category, (2) determine that the student needs special education for each handicap, (3) document that the combined deficits cause "severe educational problems" for the student and (4) as a result of the continued severity of each handicap the student cannot be appropriately programmed for only one condition. The IEP must document increased levels of service.

Deaf-blind students are not eligible as mutihandicapped. A student with a communication disorder in combination with another handicap is not considered multihandicapped.

Rule/Regulation 451

Issue: DEAF-BLIND: How does a student qualify as deaf-blind?

Division Position: To be eligible as deaf-blind, a student must be assessed with all required assessment procedures for both deaf (WAC 436) and visually handicapped (WAC 446). In addition, the MDT must document that the combined deficits cause "severe communication and other developmental and educational problems" for the student.

Rule/Regulation WAC 461

Issue: IEP STATEMENT OF PHYSICAL THERAPY NOT UNLICENSED PRACTICE OF PHYSICAL THERAPY: Does the designation in an IEP of a handicapped student's need for physical therapy constitute the unlicensed practice of physical therapy? Under physical therapist licensing statutes, may school officials directly refer a child to a physical therapist without the intervention of a physician?

Division Position: An educator who "refers" or designates a need in an IEP of a handicapped student for physical therapy is not engaged in the unlicensed practice of physical therapy. However, a physical therapist may not, under physical therapist licensing and practice statutes, practice physical therapy on a handicapped student solely upon an educational referral by school officials, but only under a prescription from a physician.

Rule/Regulation WAC 461

Issue: MDT MEMBER ON IEP COMMITTEE: Who can represent the assessment team at the IEP meeting/annual review?

Division Position: At the initial IEP meeting, the MDT must be represented by a person who participated in the initial assessment and signed the summary analysis. (This person could be either the teacher, the district representative, or a third party.) At subsequent IEP meetings and annual reviews, the teacher may also be viewed as the assessment team person since the teacher is the most likely person to have current evalaution data on student progress.

Rules/Regulation WAC 466

Issue: CHANGE OF PLACEMENT WITHIN DISTRICT: What constitutes a change of placement within district?

Division Position: Within a district, any significant change in the services provided requires written prior notice to parents. However, as long as there is no change in the overall amount or type of services, some adjustments in scheduling the services should be possible based on the professional judgment of the service provider. (A significant change is an increase or decrease in the amount and/or type of special education and/or related services.)

Rule/Regulation WAC 471

Issue: COUNTING OF HANDICAPPED STUDENTS FOR STATE AND FEDERAL FUNDING WHO ARE PLACED IN REGULAR CLASSROOMS.

Division Position: Handicapped students who are placed full time in regular classes may be counted for state and federal funding provided the student:

1. Has a documented handicapping condition as set forth in WAC 392-171-381 through 392-171-451, and

2. is found through the assessment process to be in need of special education as per WAC 392-171-310(3)(a), and

3. has an IEP developed in accordance with WAC 392-171, and

4. is receiving organized and planned teaching and/or training activities by certificated and/or licensed special education personnel on a regularly scheduled basis over a given period of time. Such teaching or training must be conducted with the student and be designed to facilitate progress toward specific written objectives.

   Instruction or training may be conducted on an on-going basis by special education certificated personnel in the regular education classroom but must meet the requirements of WAC 392-171-315(1). The frequency of this direct instruction by the certificated special education teacher or therapist is a professional judgment which is determined by the IEP process and reflected in the IEP document. Handicapped students in the regular classroom may also receive related services. They must, however, be receiving special education in order to receive related services.

Rule/Regulation WAC 516

Issue: IEP MEETING AFTER REASSESSMENT

Division Position: Upon reassessing a handicapped student, if the decision is that the student is still eligible and that the reassessment results do not indicate a need for an immediate change in program, the district should notify the parents (1) that the handicapping category has or has not changed, (2) that the present IEP is still appropriate, and (3) that the next IEP meeting will take place at the regularly scheduled time.

If the decision is that the student is still eligible, but the results indicate the need for a change of placement or a change in the type or amount of service the district shall convene an IEP meeting with the parents to discuss the assessment results and to draw up a new IEP within 30 days. Changes in handicapping condition require full due process, including written prior notice in accordance with the requirements of WAC 392-171-526.

Rule/Regulation WAC 341, 376, 516

Issue: TRANSFER STUDENTS WHO ARE HANDICAPPED

Division Position: Handicapped students who transfer from one school district to another may not require a complete MDT assessment to determine the need for special education, related services and appropriate placement.

1) When a student enters a district accompanied by assessment data and a current IEP, the receiving district will begin processing the student at the "school district decision" (WAC 376) by confirming the student's continuing need for services. If the district chooses to accept the accompanying assessment data, the district special education director (or his/her designee) will review the information and indicate concurrence with the eligibility by completing an addendum to the assessment summary analysis. The reassessment date (as required by WAC 392-171-516) of this transfer student would be three years from the date of the last complete MDT assessment. When the "new" district confirms the student's continuing eligibility, a new IEP must be developed. The IEP from the previous district may be reviewed to assist the district in developing a new IEP, but the existing IEP cannot be used as an on-going IEP. Parents must receive written notice in accordance with WAC 392-171-526 as this does constitute a change in placement. Students may be counted as soon as they enter the district, as it is known they were previously being served in special education program.

2) When a student enters the district with some evidence of having been served in special education, that student can be placed after the receiving district verifies that the student's last educational placement was special education. This verification can be accomplished by having on record the student's past IEP, the student's records from the prior district or by documenting telephone verification. For these students, an interim placement is optional for a maximum of 35 days. An interim IEP as well as parent consent are required. The student may be counted to generate state funds for the 35 school days as long as she/he is functioning under the "interim IEP." In order to serve the student in special education the receiving district must establish continuing eligibility under current rules. The district will begin processing the student at "Decision to Assess" (WAC 341). If the district feels there is a need to assess, written parent consent for assessment should be obtained, while at the same time a release for exchange of information should be secured. The process for receiving records from the past district should be initiated. At this time the district shall go ahead with its own assessment. The assessment process must be completed within 35 school days, and an IEP meeting held immediately following the "school district decision" (WAC 376). At the end of the 35 day period, the district must have completed

any assessment activities and developed the student's IEP. Temporary placement for transfer students may not be extended beyond 35 days. If it is determined that the student is not in need of special education placement, a termination notice will be sent to parents along with due process notification.

3) When a student arrives in the district with no data available, and the district is not able to determine prior special education placement, that student will be made a "Focus of Concern" (WAC 341). The student may be placed in a temporary diagnostic placement for a maximum of 30 days as appropriate. However, the student may not be counted until the student is assessed and an IEP developed by the receiving district is in effect. Interim IEPs related to the temporary diagnostic placement do not serve as IEPs for the purpose of counting eligible handicapped students who are receiving special education.

S103A8.00